

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo CUEVAS-Carrillo,

Defendant

Magistrate Docket No.

08 JUN -5 AM 11:10

08 MJ 1765

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **June 3, 2008** within the Southern District of California, defendant, **Ricardo CUEVAS-Carrillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF JUNE, 2008

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE



CONTINUATION OF COMPLAINT:
Ricardo CUEVAS-Carrillo

PROBABLE CAUSE STATEMENT

On June 3, 2008, at approximately 5:30 p.m. Border Patrol Agent R. Plascencia was performing assigned Border Patrol duties in the Campo, California Border Patrol Station's area of responsibility. Agent Plascencia responded to a seismic intrusion device located about three miles north from the United States/Mexico International Boundary fence, and about eighteen miles east from the Tecate, California Port of Entry, in an area known as Cedillo Canyon.

After arriving in the area, Agent Plascencia observed footprints. Agent Plascencia began to follow the footprints and encountered twelve individuals attempting to conceal themselves in the thick brush. Agent Plascencia identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship. All twelve, including one later identified as defendant **Ricardo CUEVAS-Carrillo**, admitted to being Mexican citizens without any immigration or travel documents that would allow them to be in or remain in the United States legally. All twelve were placed under arrest and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on October 30, 2007 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and that he was willing to answer questions without an attorney present. The defendant again freely admitted to being a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally.